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10/074,686

02/11/2002

Kenneth Largman

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7590

06/23/2005

-70543-2/RMA/LM/KRG

EXAMINER

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ART UNIT

PAPER NUMBER

2113

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/074,686

Applicant(s)

LARGMAN ET AL.

Examiner

Joseph D. Manoskey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15, 16 and 19-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 16, 19-27, 29-32, 34 and 39-44 is/are rejected.
- 7) ☒ Claim(s) 28, 33, 35, 36, 37, and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/11/05
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 15 recites the limitation "said peripheral controller" in line 9 of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Double Patenting***

4. Claim 36 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 35. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 15, 16, 19-27, 29-32, 34, 39-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Huggins et al., U.S. Patent 5,894,551, hereinafter referred to as "Huggins".

7. Referring to claim 15, Huggins teaches a computer system which includes a central processing unit, a random access memory, a hard drive, and a network card, this is interpreted as a computer system comprising a processor, a memory coupled to said processor, at least one nonvolatile data store, and a communication device for communicating over a communications link to an external device (See Col. 2, lines 2-7). Huggins also teaches the network cards being coupled to the computer and installed on the motherboard, this is interpreted as a port for communicatively coupling said computer system and said communication device over a bus having a plurality of data lines and at least one bus communicatively coupling said memory, said peripheral controller, and said port to each other, to said at least one data store, and to said processor (See Fig. 1 and Col. 2, lines 2-7 and lines 62-65). Huggins also discloses a switch that selects between the network cards that are attached to their own separate

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storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as switch means for controlling a data communications pathway between said communications device and said at least one data store to prevent data received over said communications link and said communications device via said port to prevent access to said at least one data store by viral, hacker, or other malicious computer software code (See Col. 2, lines 2-20).

8. Referring to claim 16, Huggins teaches the communication device is a network card that is installed to the motherboard of the computer and the switch is coupled with the network card, this is interpreted as wherein said communication device is a network interface card disposed within a main computer hardware box of said computer system and said switch means is coupled with said network card (See Fig. 1 and Col. 2, lines 2-20, lines 62-65).

9. Referring to claim 19, Huggins teaches the computer system attached to a network, this is interpreted as wherein the external device comprises one of a second computer system, a network, and internet (See Col. 2, lines 2-20).

10. Referring to claim 20, Huggins also teaches the network cards being coupled to the computer and installed on the motherboard, this is interpreted as said port for communicatively coupling said computer system and said communication device couples said communications device over a bus having a plurality of data lines (See Fig.

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1 and Col. 2, lines 2-7 and lines 62-65). Huggins also discloses a switch the selects between the network cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as said switch means for controlling comprises a switch coupled within a data line selected from said plurality of data lines for enabling and disabling said communication device (See Fig. 1, Col. 2, lines 2-20).

11. Referring to claim 21, Huggins discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as said at least one nonvolatile data store comprises a first data store and a second data store, and said switch means for controlling a data communications pathway between said communications device and said at least one data store comprises a data-store switch for modifying the accessibility of at least one of the first and second data stores according to a access status said communications device (See Col. 2, lines 2-20).

12. Referring to claim 22, Huggins teaches a computer system which includes a central processing unit, a random access memory, a hard drive, and a network card installed on the motherboard, this is interpreted as a computer system comprising a processor, a memory coupled to said processor, at least one nonvolatile data store, a data port, and a communication device for communicating over a communications link to an external device (See Fig. 1 and Col. 2, lines 2-7 and lines 62-65). Huggins also

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discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as at least one of a data store switch and a communications device switch, the data-store switch operative to modify the accessibility of at least one data store according to a access status of said communications device, and the communications device switch operative to modify the accessibility of said communications device by said computer including by said at least one data store according to a access status of said communications device (See Col. 2, lines 2-20).

13. Referring to claim 23, Huggins also discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as wherein the at least one non-volatile data store comprises first and second data stores and said data-stores switch for modifying the accessibility of at least one of the first and second data stores by the computer (See Col. 2, lines 2-20).

14. Referring to claim 24, Huggins teaches the computer system attached to a network, this is interpreted as wherein the data port is operative to mediate and selectively link the computer to other devices over the communications link (See Col. 2, lines 2-20).

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15. Referring to claim 25, Huggins also discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as wherein the computer is operable in a connected state wherein the computer may use the data port to obtain data from another device over the communications link and the data-store switch may enable the second data store, and in a disconnected state wherein the computer may not use the data port to obtain data from another device over the communications link and the data-store switch may enable the first data store, so that the computer may enable only one of the first and second stores at any given time and the data store enabled depending upon whether the computer is accessing the communications link or not accessing the communications link, and data received over the communications link being isolated only to the second data store (See Col. 2, lines 2-20).

16. Referring to claim 26, Huggins also discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. Also a reset which prevents data from being transferred between the two systems. The switch allows for the selection of different levels of security, this is interpreted as wherein if data received over the communications link included a virus, hacking, or other malicious executable code, then the virus, hacking, or other malicious executable code is confined to the second data store (See Col. 2, lines 2-20).



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17. Referring to claim 27, Huggins discloses a manual two-position switch the selects between the network cards that are attached to their own separate storage device, a hard drive this is interpreted as wherein the switching of the first and second data stores may be done under manual, hardware or software control, under manual control, a user controlling the state of the data-store switch, and under software control, the data store switch responds programmatically to a processor in the computer to control the accessibility of the first and second data store according to the connected or disconnected state of the computer (See Fig. 1-4, Col. 2, lines 2-20).

18. Referring to claim 29, Huggins teaches the use of a reset switch along with two-position selecting switch, the is interpreted as wherein a operating the data store switch between from the connected state and the disconnected state optionally includes re-booting the computer in order to make the selected one of the first and second data store the only data store available in the selected state (See Col. 2, lines 2-20).

19. Referring to claim 30-32, Huggins teaches that the network cards have their own separate hard drives and a switch that allows a hard drive and accessed when the other network card is disconnected, this is interpreted as wherein only the second data store is available during operation in the connected state, wherein only the first data store is available during operation in the disconnected state, and wherein both the first data store and the second data store are available during operation in the disconnected state (See Col. 2, lines 2-20).

20. Referring to claim 34, Huggins teaches that the network cards have their own separate hard drives and a switch that allows a hard drive and accessed when the other network card is disconnected, this is interpreted as wherein the computer synchronously switches the data port and the second data store so that the first data store is never accessible when the data port is active, thereby improving the resistance of the computer to viral infection and hacking (See Col. 2, lines 2-20).

21. Referring to claim 39, Huggins also discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as wherein the computer further comprises a communications device enabling switch for enabling and disabling access by the computer to the communications device (See Col. 2, lines 2-20).

22. Referring to claim 40, Huggins teaches the use of a reset switch along with two-position selecting switch, the is interpreted as wherein the enabling and disabling access is accomplished by one of powering up or down the communications device and altering a state of a data line on a communications bus coupling the communications device to the computer to alter the ability of the communications device to transfer data to a data port of the computer (See Col. 2, lines 2-20).

23. Referring to claim 41, Huggins teaches the computer system attached to a network, this is interpreted as wherein the communications device operated in conjunction with the communications link is selected from the set of communications devices consisting of an acoustic modem, a POTS telephone line, a tap, an Ethernet, a wireless modem, and radiation-permeable space (See Col. 2, lines 2-20).

24. Referring to claim 42, Huggins teaches the use of a reset switch along with two-position selecting switch and Huggins teaches the computer system attached to a network, this is interpreted as wherein the connected state comprises a network connected state and the disconnected state comprises a network disconnected state (See Col. 2, lines 2-20).

25. Referring to claim 43, Huggins teaches a computer system which includes a central processing unit, a random access memory, a hard drive, and a network card installed on the motherboard, this is interpreted as a computer system comprising a processor, a memory coupled to said processor, at least one nonvolatile data store, a data port, and a communication device for communicating over a communications link to an external device (See Fig. 1 and Col. 2, lines 2-7 and lines 62-65). Huggins discloses a method of using a switch that allows for the selection of different levels of security, this is interpreted as a method of operating the computer system to protect the system degradation by from viral, hacker, and other malicious code contamination (See Col. 2, lines 2-20). Huggins also discloses a switch that selects between the network

cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as providing at least one of a data store switch and a communications device switch, and when the data-store switch is provided, operating the computer system to modify the accessibility of at least one data store according to a access status of said communications device, and when the communications device switch is provided, operating the computer system to modify the accessibility of said communications device by said computer including by said at least one data store according to a access status of said communications device (See Col. 2, lines 2-20).

26. Referring to claim 44, Huggins also discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as wherein the at least one non-volatile data store comprises first and second data stores and said data-stores switch for modifying the accessibility of at least one of the first and second data stores by the computer (See Col. 2, lines 2-20).

Huggins teaches the computer system attached to a network, this is interpreted as wherein the data port is operative to mediate and selectively link the computer to other devices over the communications link (See Col. 2, lines 2-20)

Huggins also discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. The switch allows for the selection of different levels of security, this is interpreted as wherein the computer is

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operable in a connected state wherein the computer may use the data port to obtain data from another device over the communications link and the data-store switch may enable the second data store, and in a disconnected state wherein the computer may not use the data port to obtain data from another device over the communications link and the data-store switch may enable the first data store, so that the computer may enable only one of the first and second stores at any given time and the data store enabled depending upon whether the computer is accessing the communications link or not accessing the communications link, and data received over the communications link being isolated only to the second data store (See Col. 2, lines 2-20).

Huggins also discloses a switch that selects between the network cards that are attached to their own separate storage device, a hard drive. Also a reset which prevents data from being transferred between the two systems. The switch allows for the selection of different levels of security, this is interpreted as wherein if data received over the communications link included a virus, hacking, or other malicious executable code, then the virus, hacking, or other malicious executable code is confined to the second data store (See Col. 2, lines 2-20).

***Allowable Subject Matter***

27. Claims 28, 33, 35, 37, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are closely related security systems.

U.S. Patent 6,009,518 to Shiakallis

U.S. Patent 2002/0078366 to Raice

U.S. Patent App. Pub. 2002/0095557 to Constable et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Manoskey whose telephone number is (571) 272-3648. The examiner can normally be reached on Mon.-Fri. (7:30am to 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDM  
June 16, 2005

  
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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100